

**September 12, 2006****SUBJECT: Approval of Final Map (Tract No. 9774, Danbury Place II) - 36 Unit Condominiums at Fair Oaks Avenue and Kiel Court By Pulte Home Corporation****BACKGROUND**

Tract No. 9774 is a 36 unit condominium project. The tentative map was approved by the Planning commission on October 24, 2005.

Location:	1047 N. Fair Oaks Avenue
Zoning:	M-S/ITR/R3/PD (Industrial and Service / Industrial to Residential / Medium-Density Residential / Planned Development)
Number of Lots:	6 building lots and 8 common lots
Area:	2.15 acres

DISCUSSION

The final map for Tract No. 9774 has been examined by the Public Works Department staff and found to be in conformance with Sunnyvale Municipal Code Title 18 Subdivision and the State of California "Subdivision Map Act". The public improvement plans and specifications have also been reviewed by the Public Works Department staff and they conform to the subject final map. The developer will execute the subdivision agreement and provide improvement securities (\$274,000 for faithful performance and \$274,000 for labor and material) to guarantee completion of all public improvements. The developer shall furnish related documentation and fee payments prior to map recordation.

RECOMMENDATION

It is recommended that the City Council approve the final map for Tract No. 9774 and direct staff to forward the final map for recordation upon developer's execution of the subdivision agreement, submittal of improvement securities, payment of development fees and other documents deemed necessary by the Director of Public Works.

Reviewed by:

Marvin A. Rose, Director, Public Works
Prepared by: Judy Chu, Civil Engineer

Approved by:

Amy Chan
City Manager

Attachment: Final Map

OWNER'S CERTIFICATE

WE HEREBY STATE THAT WE ARE THE OWNERS OF, OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN UPON THE HEREON MAP; THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID REAL PROPERTY; THAT WE HEREBY CONSENT TO THE MAKING OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE.

WE ALSO HEREBY DEDICATE TO PUBLIC USE ALL STREETS AND PORTIONS OF STREETS NOT PREVIOUSLY EXISTING AS DELINEATED HEREON AND DESIGNATED AS "STREET HEREIN DEDICATED", AND ALSO DEDICATE TO PUBLIC USE EASEMENTS FOR ANY AND ALL PUBLIC USES UNDER, UPON AND OVER SAID STREETS AND PORTIONS THEREOF.

WE ALSO HEREBY DEDICATE TO PUBLIC USE THOSE STRIPS OF LAND DELINEATED AS "FOR BICYCLE AND PEDESTRIAN PURPOSES".

WE ALSO HEREBY DEDICATE TO PUBLIC USE EASEMENTS FOR PUBLIC SIDEWALKS OVER THE LAND DESIGNATED AND DELINEATED AS "P.S.W.E." (PUBLIC SIDEWALK EASEMENT).

WE ALSO HEREBY DEDICATE TO PUBLIC USE, EASEMENTS OVER LOT H FOR THE PURPOSES OF INGRESS AND EGRESS OF EMERGENCY VEHICLES OVER, UPON AND ACROSS THOSE CERTAIN STRIPS OF LAND DESIGNATED AND DELINEATED ON THE MAP AS "E.V.A.E." (EMERGENCY VEHICLE ACCESS EASEMENT).

WE ALSO HEREBY DEDICATE TO PUBLIC USE, EASEMENTS FOR CERTAIN PUBLIC SERVICE FACILITIES INCLUDING BUT NOT LIMITED TO POLES, WIRES, CONDUITS, GAS, HEAT MAINS AND ALL APPURTENANCES THERETO ABOVE, UNDER, UPON, OR OVER THE LAND DESIGNATED AND DELINEATED AS "P.U.E." (PUBLIC UTILITY EASEMENT). SAID EASEMENTS ARE TO BE KEPT OPEN AND FREE OF BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, IRRIGATION SYSTEMS, APPURTENANCES, LAWFUL FENCES AND ROOF OVERHANGS.

WE ALSO HEREBY RESERVE PRIVATE EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF PRIVATE WATER, FIRE SERVICE, STORM DRAINAGE AND SANITARY SEWER FACILITIES. THE PRIVATE WATER EASEMENT IS DESIGNATED AND DELINEATED AS "P.W.E.", THE PRIVATE FIRE SERVICE EASEMENT IS DESIGNATED AND DELINEATED AS "P.F.S.E.", THE PRIVATE STORM DRAINAGE EASEMENT IS DESIGNATED AND DELINEATED AS "P.S.D.E.", THE PRIVATE SANITARY SEWER EASEMENT IS DESIGNATED AND DELINEATED AS "P.S.S.E." ON THE MAP. THOSE PRIVATE EASEMENTS ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT FOR THOSE PRIVATE UTILITY FACILITIES AND APPURTENANCES. THE MAINTENANCE, REPAIR, AND/OR REPLACEMENT OF PRIVATE WATER, FIRE SERVICE, STORM DRAINAGE AND SANITARY SEWER FACILITIES SHALL BE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS AS DETERMINED BY THE APPROPRIATE COVENANTS, CONDITIONS AND RESTRICTIONS. SAID EASEMENTS ARE NOT OFFERED, NOR ARE THEY ACCEPTED FOR DEDICATION BY THE CITY OF SUNNYVALE.

AND THE UNDERSIGNED DOES HEREBY DESIGNATE LOTS A, B, C, D, E, F, G AND H AS COMMON AREA AND IS NOT HEREBY DEDICATED FOR USE BY THE GENERAL PUBLIC, BUT IS FOR THE EXCLUSIVE USE OF THE HOMEOWNERS OF TRACT 9774 AND THEIR GUESTS.

THE PRIVATE DRIVE AS EMBRACED WITHIN THE BOUNDARY OF THE HEREIN EMBODIED MAP IS TO BE USED FOR PRIVATE INGRESS AND EGRESS TO LOTS 1 THROUGH 6 RESPECTIVELY, INCLUSIVE OF TRACT 9774 AND IS NOT OFFERED OR ACCEPTED FOR DEDICATION FOR PUBLIC STREET PURPOSES. THE RESPONSIBILITY FOR MAINTENANCE OF SAID PRIVATE DRIVE BELONGS TO THE HOMEOWNERS ASSOCIATION OF THE TRACT 9774.

AS OWNER

PULTE HOME CORPORATION, A MICHIGAN CORPORATION

BY: _____

NAME: _____

TITLE: _____

SOILS AND GEOLOGICAL REPORT

A SOILS REPORT AND/OR GEOLOGICAL REPORT ON THIS PROPERTY HAS BEEN PREPARED BY LOWNEY ASSOCIATES DATED OCTOBER 22, 2004, A COPY OF WHICH HAS BEEN FILED WITH THE CITY CLERK OF THE CITY OF SUNNYVALE.

OWNER'S ACKNOWLEDGMENT

STATE OF CALIFORNIA SS.
COUNTY OF SANTA CLARA

ON _____ BEFORE ME, _____,

NOTARY PUBLIC, CPERSONALLY APPEARED _____

☐ PERSONALLY KNOWN TO ME - OR - ☐ PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND

NOTARY'S SIGNATURE _____

PRINTED NOTARY'S NAME _____

NOTARY'S COMMISSION NUMBER _____

NOTARY'S PRINCIPAL COUNTY OF BUSINESS _____

EXPIRATION OF NOTARY'S COMMISSION _____

CIVIL ENGINEER'S STATEMENT

I, PETER B. McMORROW, HEREBY STATE THAT I AM A REGISTERED CIVIL ENGINEER OF THE STATE OF CALIFORNIA; THAT THIS MAP, CONSISTING OF THREE SHEETS CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION IN MAY, 2005 AT THE REQUEST OF PULTE HOME CORPORATION THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT ALL MONUMENTS ARE OF CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE SEPTEMBER 2007; AND THAT SAID MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATE: _____

BY: _____
PETER B. McMORROW
RCE #31954 EXP. 12-31-06

CITY ENGINEER'S CERTIFICATE

I HEREBY STATE THAT I HAVE EXAMINED THE HEREON FINAL MAP OF TRACT 9774, THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT, AS AMENDED, AND OF ANY LOCAL ORDINANCE APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

DATE: _____

BY: _____
BARBARA KEEGAN, CITY ENGINEER
RCE #38124 EXP. 3-31-06
CITY OF SUNNYVALE, CALIFORNIA

I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

DATE: _____

BY: _____
HIRA RAINA, ASSISTANT CITY ENGINEER
RCE #29621 EXP. 3-31-07
CITY OF SUNNYVALE, CALIFORNIA

TRACT NO. 9774

CONSISTING OF THREE (3) SHEETS
FOR CONDOMINIUM PURPOSES

REAL PROPERTY IN THE CITY OF SUNNYVALE, COUNTY OF SANTA CLARA,
STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

ALL OF PARCEL A, AS SHOWN ON THAT CERTAIN MAP ENTITLED "PARCEL MAP", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON JUNE 3, 1976 IN BOOK 372 OF MAPS, AT PAGE 38 AND 39.

DATE: JULY 2006

**Civil Engineering Associates**

Civil Engineers • Planners • Surveyors
635 North First Street • Building A • San Jose, CA 95112

RECORDER'S CERTIFICATE

FILE NO. _____ FEE \$ _____ PAID ACCEPTED FOR RECORD AND
FILED IN BOOK _____ OF MAPS AT PAGES _____ AND _____ SANTA
CLARA COUNTY RECORDS. THE _____ DAY OF _____, 200__, AT
_____ M. AT THE REQUEST OF CIVIL ENGINEERING ASSOCIATES.

BRENDA DAVIS, RECORDER
SANTA CLARA COUNTY, CALIFORNIA

BY: _____ DEPUTY

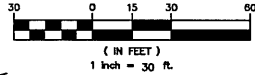
STATEMENT OF CITY CLERK

I HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF SUNNYVALE AT ITS REGULAR MEETING HELD ON THE _____ DAY OF _____, 200__, DULY APPROVED THE HEREIN FINAL MAP OF THE TRACT NO. 9774 AS SHOWN HEREON AND ACCEPTED ON BEHALF OF THE PUBLIC ALL EASEMENTS OFFERED FOR DEDICATION TO PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION.

DATE: _____

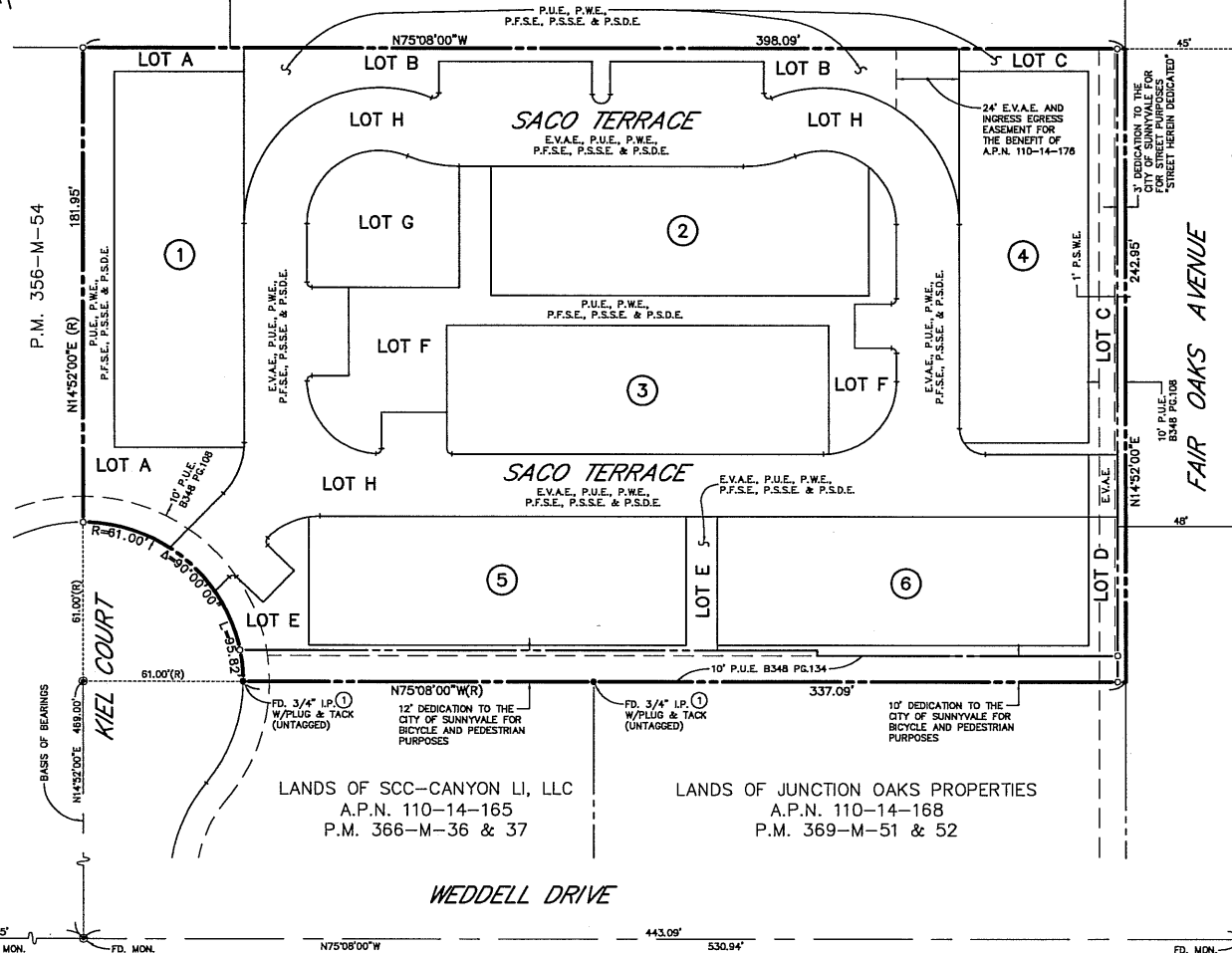
BY: _____
KATHERINE CHAPPELER, CITY CLERK
CITY OF SUNNYVALE, CALIFORNIA

GRAPHIC SCALE



SCALE: 1"=30'

LANDS OF FAIR OAKS, LLC
A.P.N. 110-14-176
P.M. 385-M-23



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LEGEND

- (20) LOT NUMBER
- DISTINCTIVE BOUNDARY
- LOT LINE
- RIGHT OF WAY
- CENTERLINE
- EASEMENT LINE
- BOUNDARY TIE
- FOUND BRASS DISC IN CITY MONUMENT WELL (AS NOTED)
- SET PRIVATE STREET MONUMENT 3/4" IRON PIPE IN PAVEMENT TAGGED R.C.E. 31954
- 3/4" IRON PIPE FOUND (AS NOTED)
- SET 3/4" IRON PIPE TAGGED R.C.E. 31954
- E.V.A.E. EMERGENCY VEHICLE ACCESS EASEMENT
- P.F.S.E. PRIVATE FIRE SYSTEM EASEMENT
- P.S.S.E. PRIVATE SANITARY SEWER EASEMENT
- P.S.D.E. PRIVATE STORM DRAIN EASEMENT
- P.W.E. PRIVATE WATER EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- P.S.W.E. PUBLIC SIDEWALK EASEMENT
- (R) RADIAL

BASIS OF BEARINGS

THE BEARING N14°52'00"E OF THE CENTERLINE OF KIEL COURT IS SHOWN UPON THAT CERTAIN PARCEL MAP RECORDED IN BOOK 372 OF MAPS PAGE 38 AND 39 RECORDS OF SANTA CLARA COUNTY WAS TAKEN AS THE BASIS OF ALL BEARINGS SHOWN HEREON.

NOTES

1. ALL DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
2. THE AREA WITHIN THE DISTINCTIVE BORDER = 2.15 ACRES GROSS

REFERENCE

- ① PARCEL MAP 366 M 36 & 37

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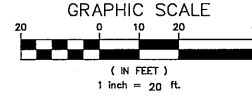
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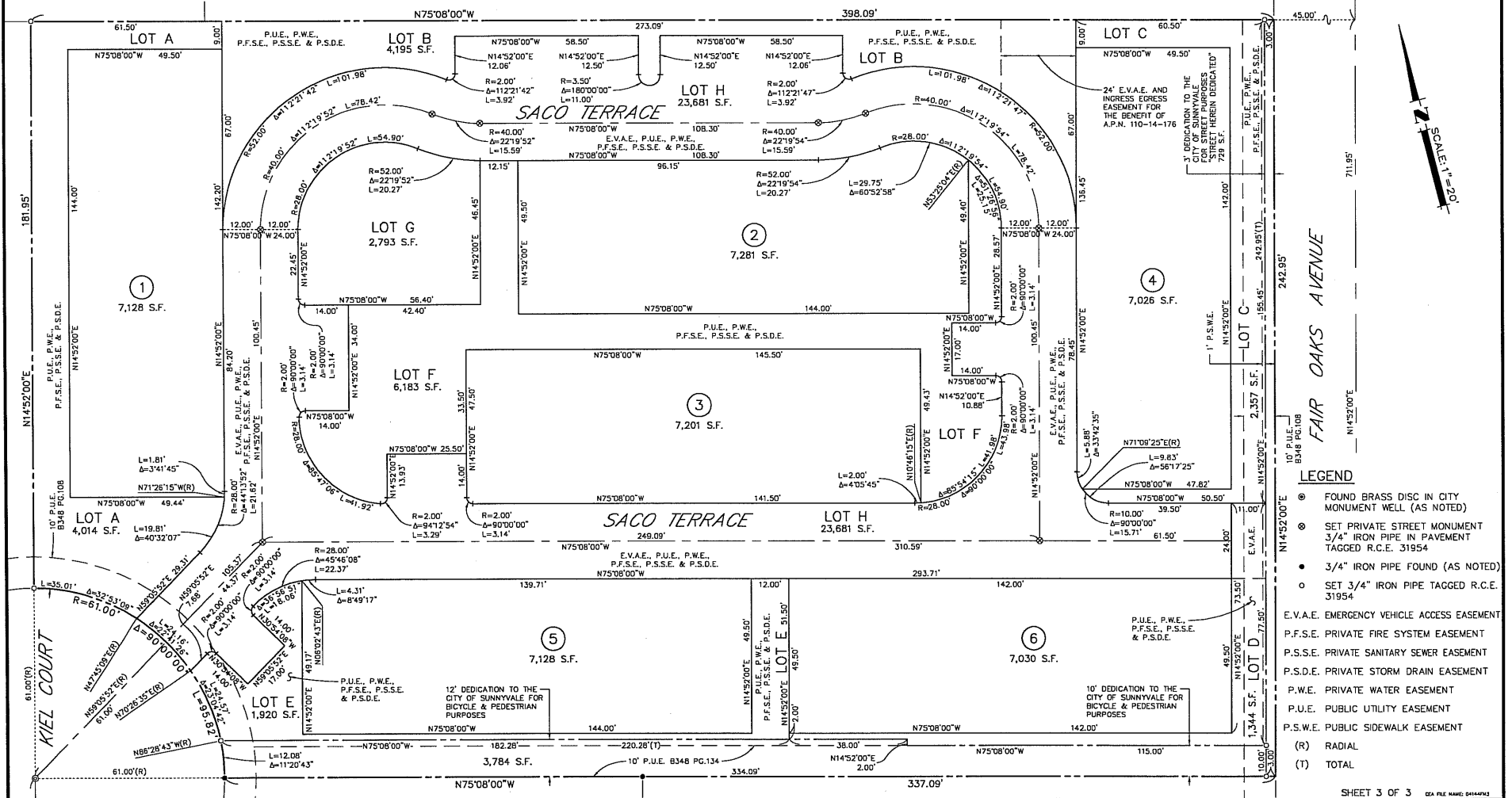
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- P.S.W.E. PUBLIC SIDEWALK EASEMENT
- (R) RADIAL
- (T) TOTAL